



CC DO. 93-22

Federal Communications Commission  
Washington, D.C. 20554

October 24, 1994

DOCKET FILE COPY ORIGINAL

**RECEIVED**

**OCT 24 1994**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**EX PARTE OR LATE FILED**

The Honorable Don Nickles  
United States Senator  
409 South Boston, Suite 3310  
Tulsa, Oklahoma 74103-4007  
Attention: Julie Glass

Dear Senator Nickles:

This letter responds to your correspondence on behalf of Karen Bryant regarding charges on her telephone bill and relating to information services provided on 800 numbers. Your letter, as well as the complaint of your constituent, has been referred to the Enforcement Division of the Common Carrier Bureau for review. The Enforcement Division will communicate with your constituent upon completion of its review.

The Telephone Disclosure and Dispute Resolution Act (TDDRA) was enacted by Congress in 1992 and required both the Federal Communications Commission and the Federal Trade Commission (FTC) to adopt rules governing the provision of pay-per-call services. Under the TDDRA, the FCC has jurisdiction over the telecommunications carriers involved in the transmission and billing of the telephone calls, while the Federal Trade Commission has jurisdiction over the information service companies themselves.

The TDDRA generally required pay-per-call services to be provided on 900 telephone numbers and generally prohibited the provision of these services on 800 numbers, except in instances where the caller has entered into a presubscription agreement or comparable arrangement with the information service provider. Pursuant to the Commission's rules, which became effective on September 24, 1993, a presubscription agreement entails a formal contractual understanding whereby the consumer is provided clearly and conspicuously all terms and conditions associated with the use of the service and affirmatively agrees to abide by them.

The Commission has received numerous complaints similar to those described by your constituent. These complaints are processed by the Enforcement Division of the Common Carrier Bureau by serving a copy of the complaint upon the telecommunication carriers involved, who must generally respond in writing within 30 days. Beyond reviewing these

No. of Copies rec'd 1  
List A B C D E

The Honorable Don Nickles  
Page 2

complaints and pursuing appropriate action to resolve them, the Commission has undertaken several efforts. First, Common Carrier Bureau staff has met with the carriers that provide the billing service for calls to 800 numbers as well as interexchange carriers who provide the 800 number transport to emphasize their obligations under the TDDRA and the rules of the Commission. Secondly, because the increase in the number of complaints has been so significant, we have started an investigation of these practices, with special focus on whether any companies have attempted to evade or violate our rules. Additionally, as part of the effort to make clear the carriers' responsibilities under the law, the Common Carrier Bureau has recently issued a ruling holding that the information provider's receipt of the originating telephone number, a practice that was serving as the premise of some charges, does not in itself constitute a presubscription agreement.

Moreover, on August 2, 1994, the Commission instituted a Notice of Proposed Rulemaking seeking to strengthen Commission rules to prevent abusive and unlawful practices under the TDDRA. Specifically, the Commission has sought public comment on a proposal to require that a presubscription agreement be established only with a legally competent individual and executed in writing, and that common carriers obtain evidence of the written agreement before issuing a telephone bill that contains charges for presubscribed information services. Under the proposed rules, these telephone bills could be addressed only to the individual who actually entered into the presubscription arrangement, not to the person or company whose telephone was used to place the call. The Commission has tentatively concluded that this and other proposed changes would significantly assist in eliminating the source of many consumer complaints. Enclosed is a summary of the Commission's action in this regard.

We appreciate receiving your correspondence. Please call upon us if we can provide any additional information.

Sincerely,



Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosure



Federal Communications Commission  
Field Operations Bureau  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas 75243

September 2, 1994

OLA  
CC-800  
CC-900  
4493

Honorable Sen. Nickles  
United States Senate  
400 Capitol Mall, Suite 310  
Oklahoma City, Oklahoma 73101-4007

Dear Senator Nickles:

Thank you for contacting our office on behalf of your constituent, Ms. Karen J. Bryant of Yukon, Oklahoma.

Your inquiry is being forwarded to the Chief of the Field Operations Bureau for coordination with the appropriate staff at our headquarters office in Washington, D.C. You should receive a response within the next 30 days.

Sincerely,

*James D. Wells*  
James D. Wells  
Engineer in Charge

:jmm

DON NICKLES  
OKLAHOMA

COMMITTEES:  
APPROPRIATIONS  
BUDGET  
ENERGY AND NATURAL  
RESOURCES

**United States Senate**  
WASHINGTON, DC 20510-3802

RECEIVED

SEP 1 1994

F.O.C.  
DALLAS TX (10)

September 1, 1994

Sandra Morris, Congressional Liaison  
Federal Communication Commission  
9330 LBJ Freeway, Suite 1170  
Dallas, Texas 75243

Dear Sandra:

Attached is a letter from one of my constituents concerning a situation in which I believe you can be of assistance.

I would appreciate your looking into this matter for me. In responding to me, please direct your correspondence to the attention of my representative:

~~Redacted~~  
~~Redacted~~ Suite 3310  
Tulsa, Ok 74103-4007

Thank you very much for your cooperation.

Sincerely,



DON NICKLES  
U.S. SENATOR

DN/jg  
enc

Date Aug 22, 1994

AUG 21 1994

Dear Senator Nickles:

I request your assistance in resolving my difficulties with the  
accountability of pornography to minors and false and misleading advertising.

Name Karion J. Bryant

Address 12008 Royal Coach Dr.

Town/Zip Code Guthrie, OK 73099

Phone (405) 373-1356

Social Security Number 1448-54-4675

Case Number \_\_\_\_\_  
(if Applicable)

I hereby authorize officials to release information pertaining to  
my claim to my Senator Don Nickles. I understand this form does  
NOT constitute a Power of Attorney.

(Signature) Karion J. Bryant

Summary of the Problem: My father and son acquired a  
copy of FONEsecrets from a friend and made several long  
distance calls to a telephone number listed in the publication  
and claiming to be "free". As the attached phone bill  
indicates, this advertisement was false and misleading.  
The charges for this "free phone sex" are over \$175.00 to  
date (more charges may be on the next billing). I contacted  
AT&T and they have agreed to remove these current charges.  
I would like Senator Nichols to:

- 1) Require AT&T to remove the charges for calls made  
to this number.
- 2) Investigate this publication of false and misleading  
advertising and to hold accountable those responsible.
- 3) Introduce legislation which strictly limits the  
distribution of pornography. If adults want to view  
this kind of material, let them go to a controlled  
facility, an "adults only library"; we've got to get  
this material off the streets and out of the  
hands of our children.
- 4) Prohibit the use of 1-800 numbers that can be  
called to the caller. Please note that this publication



**GIVE IT TO ME  
FROM BEHIND!**

**1-800-692 BUTT**

\$1.98 per min.  
Visa/MC, 18 +.  
Prices subject to  
change. Instant  
Credit Assured on  
MasterCard.

**FEEL MY  
TIGHT ASS!**

**1-800  
AXIS**  
(1-800-375-2777)

**THE  
WET  
3SUM**  
(1-800-375-2780)

**2 GIRLS FOR  
EVERY ONE  
CALLER!  
1-800-765**



**1-900-776**



**NO CC NEEDED!**

**1-800-HOT 4SEX  
(1-900-468-4739)**

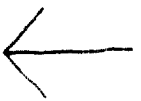
\$3.99 per min.  
**SHOOT YOUR  
1-800**

**ON MY TITS!**

**1-800 WE FUCK•U**  
(1-800-933-8258)



**FREE PHONE SEX!  
011-592-2-48500**



**ASK HIM FOR FREE!**

**1-800**  
(1-800-275-4437)

**1-800 ASK4HIM**  
(1-800-275-4446)



**YOUR FANTASY,  
OUR REALITY.  
1-800**

( 1 - 8 0 0 - 2 7 5 - 4 2 7 7 )

**WARNING!** Do not discard! This issue contains clues that could help win contests worth thousands of dollars in future issues! Back issues of *FONEsecrets* also contain important clues. If you would like to be removed from our mailing list, please check and return the enclosed card. If you want to send us comments, questions, or requests for back issues of *FONEsecrets*, write to: Laguna Entertainment, 505 S. Beverly Drive, Suite 593, Beverly Hills, CA. 90212

**FREE FONE SEX SWEEPSTAKES CONTEST DETAILS:**

Drawing for the April Sweepstakes will be held July 15, 1994. Please address all *FONEsecrets* SWEEPSTAKES entries to: *FONEsecrets* SWEEPSTAKES, 4/1/94, 505 S. Beverly Drive, Suite 593, Beverly Hills, CA. 90212 VOID WHERE PROHIBITED.



ACCT NUMBER 405 373 1356 617 7

JULY 29, 1994

DETAIL OF CHARGES

PAGE 11

NO	DATE	TIME	PLACE CALLED	AREA NUMBER	*	MIN	AMOUNT
18	7 12	951AM	CLAREMORE OK	918 341 5472	D	3.0	.88

AT&amp;T 4053732665

19	7 11	848AM	PEARLRIVER NY	914 620 4154	D	4.0	1.08
20	7 11	417PM	CLAREMORE OK	918 341 5472	D	1.0	.30
21	7 12	1135AM	CLAREMORE OK	918 341 5472	D	1.0	.30
22	7 12	215PM	SALLISAW OK	918 775 5539	D	15.0	4.36
23	7 13	1121AM	NASHVILLE TN	615 872 3660	D	1.0	.27
24	7 13	245PM	BARTLESVL OK	918 336 8600	D	1.0	.24
25	7 13	246PM	CLAREMORE OK	918 341 5472	D	5.0	1.46
26	7 13	345PM	TULSA OK	918 496 8778	D	1.0	.24
27	7 13	458PM	BARTLESVL OK	918 336 8600	D	1.0	.24
28	7 18	536AM	GUYANA	592 248 500	N	1.0	1.79
29	7 18	537AM	GUYANA	592 248 500	N	24.0	23.87
30	7 18	917AM	DIR ASST TX	214 555 1212			.75
31	7 19	243AM	GUYANA	592 248 500	N	31.0	30.59
32	7 19	315AM	GUYANA	592 248 500	N	14.0	14.27
33	7 19	329AM	GUYANA	592 248 500	N	16.0	16.19
34	7 19	1034AM	CANADIAN OK	918 339 2769	D	3.0	.70

# - See Reverse

THANK YOU FOR PAYING BY MAIL



ACCT NUMBER 405 373 1356 617 7

JULY 29, 1994

DETAIL OF CHARGES

PAGE 10

ITEMIZED CALLS FOR AT&amp;T

NO	DATE	TIME	PLACE CALLED	AREA NUMBER	*	MIN	AMOUNT
1	6 24	1159AM	SALLISAW OK	918 775 5539	D	7.0	2.04
2	6 27	826AM	SALLISAW OK	918 775 5539	D	4.0	1.17
3	6 27	832AM	BRIDGETON MO	314 298 7332	D	1.0	.27
4	6 28	925AM	NASHVILLE TN	615 872 3515	D	1.0	.27
5	6 28	932AM	BRIDGETON MO	314 298 7335	D	1.0	.27
6	6 28	932AM	BRIDGETON MO	314 298 7332	D	1.0	.27
7	6 29	907AM	BRIDGETON MO	314 298 7332	D	5.0	1.35
8	6 29	1038AM	BRIDGETON MO	314 298 7332	D	2.0	.54
9	7 1	344PM	TULSA OK	918 496 8778	D	11.0	2.54
10	7 3	1017PM	GUYANA	592 248 500	E	2.0	3.44
11	7 4	437AM	GUYANA	592 248 500	N	2.0	2.75
12	7 4	439AM	GUYANA	592 248 500	N	38.0	37.31
13	7 4	518AM	GUYANA	592 248 500	N	10.0	10.43
14	7 4	528AM	GUYANA	592 248 500	N	6.0	6.59
15	7 8	1148AM	SALLISAW OK	918 775 5539	D	1.0	.30
16	7 11	400PM	BARTLESVL OK	918 336 8600	D	3.0	.70
17	7 12	949AM	VIAN OK	918 773 5798	D	2.0	.59

# - See Reverse

THANK YOU FOR PAYING BY MAIL



ACCT NUMBER 405 373 1356 617 7

JULY 29, 1994

DETAIL OF CHARGES

PAGE 12

NO	DATE	TIME	PLACE CALLED	AREA NUMBER	*	MIN	AMOUNT
35	7 19	1036AM	TULSA OK	918 496 8778	D	13.0	3.00
36	7 20	342AM	GUYANA	592 248 500	N	29.0	28.67

TOTAL FOR 405 373 2665

161 128.32

TOTAL ITEMIZED CALLS FOR AT&amp;T

200.03

CHARGES BEFORE TAXES FOR AT&amp;T

200.03

TAXES FOR AT&amp;T

37 Federal Tax @ 3%  
38 STATE AND LOCAL TAXES6.01  
13.22